When Federal welfare reform was enacted, little attention was paid to the 15 new reporting requirements that the law imposes on the States—everything from welfare recipients' race and citizenship status, to other Federal benefits they receive, to unemployment status and earnings.

California, like many other States, has no computer system in place to track and report all of this data. And without effective tracking and reporting, the Nation's largest State has no hope of enforcing the time limit and preventing welfare fraud. Contra Costa County's welfare director said that his county's ability to meet the reporting requirements of the bill is ''literally zip.'' This is a big county.

I think that the welfare law's reporting requirements are important, and I do not advocate relaxing them. But I do believe that the counties are going to require additional support in the form of computer assistance that is greater than that which is provided in the bill today, and that we ought not to be so fixed that we cannot take a look at it.

I make these comments at this time in the hope that someone might read them, or even see them, or take notice of them, and that this statement that there will be no amendments to this bill can perhaps be changed to ''Well, we will carefully consider amendments.''

I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 235 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. MOSELEY-BRAUN. I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Are we in morning business?

The PRESIDING OFFICER. Yes, we are.

(The remarks of Mr. GREGG pertaining to the introduction of S. 252 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

(Mr. FRIST assumed the Chair.)

THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HATCH. Mr. President, I was pleased that the Senate Judiciary Committee reported out today, I think a little bit before 2 o'clock, the balanced budget constitutional amendment 13 to 5.

I want to personally express my appreciation to everybody on that committee for the cooperation that we had and for the effective debate that we had in getting that amendment out today. This will enable us to bring it up next week, if the leader so chooses. And I believe he does wish to bring the balanced budget amendment up next Wednesday. We will have the report filed by Monday. It is being circulated this afternoon. The minority will have 3 days to complete their remarks, or their position on the report, and then hopefully we will be in this battle next Wednesday. And I hope that we can have as much cooperation during the battle on the floor as we did in committee.

It is a tough issue, and there are people on all sides of it. We do have to fight it out the best we can here on the floor.

JUDICIAL ACTIVISM

Mr. HATCH. Mr. President, I rise today to speak on a subject which I have frequently addressed in the past, one that is extremely important to me and I think to every Member of this body—in fact, to everybody in this country: judicial activism.

We are witnessing today a rising tide of concern, shared not just by my Republican colleagues and myself, but indeed by an ever-growing segment of the public at large, about judicial activism and the prospect of filling the courts with more activists over the next 4 years. Today, when we talk about activists, we are talking about people who are substituting their own personal preferences for what the law really is—those who choose as unelected judges appointed for life to make laws from the bench and to usurp the powers of the legislative and executive branches of this Government. They are not elected to make the laws, but are appointed to interpret the laws.

Today, I would like to point out an especially egregious abuse of judicial power about which I have just learned. Judge Gladys Kessler, a Clinton appointee to the District Court for the District of Columbia—that is the U.S. district court for the District of Columbia—took the truly extraordinary step, and as far as I know, a step which is virtually unprecedented in our Federal judicial system, and actually issued an order to show cause to three sitting U.S. Fourth Circuit judges—Fourth Circuit Court of Appeals judges, judges that are above her in the Federal system: Judges Karen Williams, Frances Murnaghan, and senior Judge Butzner. Judge Kessler in effect is seeking to force those appellate judges to come before her, a U.S. district court judge, and justify a decision that they recently handed down. Judge Kessler's order was personally served on Judge Williams' law clerk just yesterday. Let me tell you about this shocking order, dated January 3, 1997, and issued in Civil Action No. 96–2875–GK.

In 1972, one Restoney Robinson pled guilty in North Carolina State court to first-degree murder.

He was sentenced to life in prison, and he has since been imprisoned in North Carolina—which is located within the Fourth Circuit Court of Appeals' jurisdiction. After losing all of his appeals in the State courts, this convicted murderer, Mr. Robinson, has apparently been peppering the Federal district court for the middle district of North Carolina with frivolous petitions and, appealing the denials of those petitions to the higher court, the Fourth Circuit Court of Appeals. I understand that Mr. Robinson has brought more than 80 such actions.

This past October, a panel of fourth circuit judges, comprised of Judges Williams and Murnaghan and Senior Judge Butzner, denied Robinson's most recent frivolous appeal. In what can only be described as a truly bizarre, indeed lawless, action, Judge Kessler not only entertained the habeas corpus petition from Mr. Robinson, a petition over which she had absolutely no jurisdiction whatsoever, since Mr. Robinson is imprisoned in North Carolina, but had the gall to issue an order to those fourth circuit judges—requiring them within 30 days to come before her and explain to her, and to Mr. Robinson, the convicted murderer, why he should not be released from prison.

Indeed, I am told that just yesterday the U.S. marshals in Orangeburg, SC, personally served this order on Judge Williams' law clerk. I have a copy of the order right here, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

United States District Court for the District of Columbia

Restoney Robinson, Petitioner vs. Murnaghan and Williams, Respondent(s)

Civil Action No. 96–287

ORDER DIRECTING RESPONDENT TO SHOW CAUSE

It is this 3rd day of January, 1997,

ORDERED that the respondent(s), by counsel, shall within 30 days of service of a copy of this Order and the Petition herein file with the Court and serve on petitioner a statement showing why the Writ of Habeas Corpus should not issue.

The Clerk of Court is directed to furnish a copy of the Petition and a certified copy of this Order to the United States Marshal for the purpose of making service on the respondent(s) and the U.S. Attorney's Office.

GLADYS KESSLER,
United States District Judge.